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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/339,325	06/23/1999	YOAV SHOHAM	ARIBP032	2458
21912 7590 10/19/2007 VAN PELT, YI & JAMES LLP 10050 N. FOOTHILL BLVD #200 CUPERTINO, CA 95014			EXAMINER VAN BRAMER, JOHN W	
			ART UNIT 3622	PAPER NUMBER
			MAIL DATE 10/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/339,325	Applicant(s) SHOHAM ET AL.	
	Examiner John Van Bramer	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-13,22 and 24-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-13,22 and 24-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 20, 2007 has been entered.

Response to Amendment

2. The amendment filed on July 20, 2007, has amended Claims 11, 12, and 22. Claims 9 and 10 were cancelled and new claims 24-43 were added. Thus, the currently pending claims considered below remain Claims 11-13, 22 and 24-43.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 9-13, 22 and 24-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Woolston (U.S. Patent Number: 5,845,265).

Claims 22, 28, and 36: Woolston discloses a universal auction specification system, method of managing the trading of goods auctioned by auction participants, and computer program product for managing the trading of goods auctioned by auction participants comprising:

- a. A market specification console (posting terminal 700) configured to receive at least one market protocol from a user to dictate the behavior of a universal auction system, the at least one market protocol including a customizable set of at least one market phase, wherein the market phase includes one or more user selectable trading primitives. (Col 4, lines 10-37; Col 5, line 48 through Col 6, line 53; Col 10, lines 3-18; and Col 15, line 23 - Col 16, line 58).
- b. A programmable auction server (market maker computer 800) in communication with the market specification console, the programmable auction server to receive the at least one market protocol defined by the market specification console, the programmable auction server to implement the protocol to deploy the universal auction system and to manage trading of at least one good auctioned by at least one auction participant in the universal auction system. (Col 4, lines 39-58; Col 5, line 48 through Col 6, line 53; and Col 14, lines 51-63).

Art Unit: 3622

Claims 11, 29, and 37: Woolston discloses a system, method, and computer program for conducting auctions as in Claims 22, 28, and 36 respectively, wherein the at least one market specification console includes a graphical user interface to configure the at least one market protocol. (Col 15, line 23 - Col 16, line 58; and Figure 13).

Claims 12, 30, and 38: Woolston discloses a system, method, and computer program for conducting auctions as in Claims 11, 29, and 37 respectively, wherein the at least one market protocol is predefined in parameterized form on the graphical user interface. (Col 15, line 23 - Col 16, line 58; and Figure 13)

Claims 13, 31, and 39: Woolston discloses a system, method, and computer program for conducting auctions as in Claims 11, 29, and 37 respectively, wherein the user defines arbitrary market protocols via the graphical user interface. (The user in Woolston uses the GUI to enter all of the selections pertaining to the auction when setting up the auction for posting to the auction server. These protocols are in both parameterized form, such as category or subcategory, as well as arbitrary protocols such as reserve price and auction date.)(Col 5, line 48 through Col 6, line 53; Col 15, line 23 - Col 16, line 58; and Figure 13)

Claims 24, 32, and 40: Woolston discloses a system, method, and computer program for conducting auctions as in Claims 22, 28, and 36 respectively, wherein

the market phase includes an interval in which at least one transaction occurs. (Col 5, line 48 through Col 6, line 53)

Claims 25, 33, and 41: Woolston discloses a system, method, and computer program for conducting auctions as in Claims 22, 32, and 40 respectively, wherein the transaction is selected from the group including submitting a bid, admitting a bid, withdrawing a bid, and replacing a bid. (Col 5, line 48 through Col 6, line 53; Col 15, line 23 - Col 16, line 58)

Claims 26, 34, and 42: Woolston discloses a system, method, and computer program for conducting auctions as in Claims 22, 32, and 40 respectively, where in the phase is terminated by a condition. (Col 5, line 48 through Col 6, line 53)

Claims 27, 35, and 43: Woolston discloses a system, method, and computer program for conducting auctions as in Claims 26, 34, and 42 respectively, wherein the condition is a time period. (Col 5, line 48 through Col 6, line 53)

Response to Arguments

5. Applicant's arguments filed July 30, 2007 have been fully considered but they are not persuasive. All of the applicant's arguments are directed toward the current amendments to the claims and as such have been addressed in the above rejection.


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Van Bramer whose telephone number is (571) 272-8198. The examiner can normally be reached on 6am - 4pm Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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